

### Interview Summary

Application No.

09/674,039

Applicant(s)

HIMURO, YASUO

Examiner

Steven D. Maki

Art Unit

1733

All participants (applicant, applicant's representative, PTO personnel):

(1) Steven D. Maki

(3) \_\_\_\_\_

(2) Timothy Cremen

(4) \_\_\_\_\_

Date of Interview: 12 March 2004Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

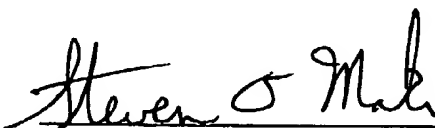
Claim(s) discussed: 3Identification of prior art discussed: art of recordAgreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see Interview Summary Attachments A and B.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

### Interview Summary Attachment A

Discussed Interview Summary Attachment B faxed to PTO on 3-11-04.

Examiner proposed modifying draft proposal #1 as follows:

- (1) lines 4 and 5, change "defined by an axially inner groove walls and axially outer groove walls" to --each having a leading groove wall and a trailing groove wall--;
- (2) line 6, after "of a tread" insert --thereby defining blocks--;
- (3) line 12 change "axially outer wall" to --leading groove wall--;
- (4) lines 17-20, do not make any of the proposed changes;
- (5) line 21 after "groove shape" delete --of the first groove--;
- (6) line 21 change "axially inner and outer" to --leading and trailing--;
- (7) line 22 change "from the ground contact end of the tread to" to --toward--;
- (8) line 24 (last line), change "axially outer" to --leading--;
- (9) line 24 (last line), after "first groove" insert --wherein the blocks defined by the slant grooves do not extend axially inward of the end part of the pseudo-land portion--.

Examiner suggested incorporating the last four lines of draft proposal #1 as modified above (for example by adding --As can be seen in figure 1, ...-- ) to provide literal antecedent basis in the specification. The subject matter of such an insertion being reasonably conveyed (not new matter) by the original disclosure including figure 1 and figure 8.

# **Interview Summary**

Application No.

09/674,039

Applicant(s)

HIMURO, YASUO

Examiner

Steven D. Maki

Art Unit

1733

All participants (applicant, applicant's representative, PTO personnel):

(1) Steven D. Maki.

(3) \_\_\_\_\_

(2) Timothy Cremen.

(4) \_\_\_\_\_

Date of Interview: 03 March 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 2-28 and 30-38.

Identification of prior art discussed: art of record including Japan 024 (JP 9-2024), Japan 609 (JP 6-270609), Europe 310 (EP 867310), Kawabata (US 4796683), Japan 103 (JP 11-263103).

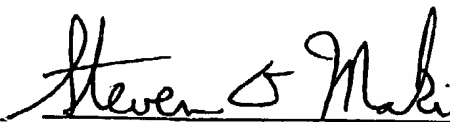
Agreement with respect to the claims f) ☒ was reached <sup>as to allowable subject matter</sup> g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see Interview Summary Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Summary Attachment

Applicant called examiner to discuss allowable subject matter indicated in paragraph 15 of the last office action. Applicant's representative proposed amending claim 3 as follows: On line 5 of claim 3, after "of a tread" insert --thereby defining slant blocks-- and on line 15 after "circumferential groove" insert --and said endpoint of said pseudo land portion does not overlap said slant blocks in an axial direction of the tire--. Examiner commented that this proposed claim 3 is not allowable over Japan '024. Although the examiner acknowledged that the window subject matter mentioned in paragraph 15 of the last office action excludes applicant's figure 8 embodiment, examiner indicated that both figures 1 and 8 contain allowable subject matter. Discussed teachings of Japan '024, Japan '609, Europe '310, Kawabata and Japan 103. Discussed the surface of the pseudo land portion as facing the "axially outer wall" of the slant groove such that the opening is between the slant groove and the "outer wall". Discussed the end part having the larger cross section being closer to the "axially inner wall" than the "outer wall". Examiner commented that although Japan '024 suggests reducing the height of the protrusions of Japan '609 (and thereby defining pseudo land portions), there is no motivation in the prior art of record to separate the protrusions and blocks of Japan '609 such that the "edge" of the pseudo land portion "lines up" with the point of the block so as to have a "slant groove" between the blocks and between the block and the pseudo land portion.

**INTERVIEW  
SUMMARY  
ATTACHMENT B**

2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213  
T 202.293.7060  
F 202.293.7860  
[www.sughrue.com](http://www.sughrue.com)

**FAX**

Date March 11, 2004

To Examiner Steven D. Maki

Of PTO Group Art Unit 1733

Fax 571.273.1221

From Timothy P. Cremen

Subject Proposed Claim Amendments For Discussion

Our Ref Q59956                      Appln No 09/674,039

Conf No 9058                      Inventors Yasuo HIMURO

Pages 3 (including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

Examiner Maki -

Enclosed please find two proposals for claim Amendments based upon our discussion last week. I look forward to our teleconference tomorrow at 2:00 PM.

Best,

A handwritten signature in black ink, appearing to read 'Timothy P. Cremen'.

Timothy P. Cremen  
50,855

Claim Amendment Proposals  
For Discussion Purposes Only

Attorney Docket # Q59956  
U.S. Appln No.: 09/674,039

3. (Draft Proposal #1) A pneumatic tire comprising:

a tread portion provided with at least one circumferential groove extending along a circumferential direction of the tire;

a plurality of slant grooves, defined by an axially inner groove walls and axially outer groove walls, each opening to the circumferential groove and obliquely extending from such an opening position toward a ground contact end of a tread; and

a pseudo-land portion formed in the circumferential groove so as to promote a smooth inflow of water flowing from the circumferential groove into a first the slant groove of the plurality of slant grooves, wherein:

said pseudo-land portion comprises a slant face on a ground contact side so that said slant face does not contact a ground surface and faces the opening of the first slant groove;

the opening of the first slant groove is between the slant face and the axially outer wall of the first slant groove;

said opening position of said slant groove is located on a side of the circumferential groove opposite to said pseudo-land portion formed on another side of said circumferential groove; and

the pseudo-land portion is arranged in the circumferential groove so as to provide an end part at a larger side of the cross sectional area of the pseudo-land portion ~~close~~ closer to the ~~portion~~ axially inner wall of the first slant groove opened to than the circumferential groove axially outer wall of the first slant groove; and

a groove shape of the first groove defined by the axially inner and outer walls of the first groove as it extends from the ground contact end of the tread to the circumferential groove is extended axially inward by a second shape defined by an axially outer edge of the pseudo-land portion and the axially outer wall of the first groove.

3. (Draft Proposal #2) A pneumatic tire comprising:

a tread portion provided with at least one circumferential groove extending along a circumferential direction of the tire;

a plurality of slant grooves, defined by an axially inner groove walls and axially outer groove walls, each opening to the circumferential groove and obliquely extending from such an opening position toward a ground contact end of a tread; and

a pseudo-land portion formed in the circumferential groove so as to promote a smooth inflow of water flowing from the circumferential groove into a first the slant groove of the plurality of slant grooves, wherein:

said pseudo-land portion comprises a slant face on a ground contact side so that said slant face does not contact a ground surface and faces the opening of the first slant groove;



the opening of the first slant groove is between the slant face and the axially outer wall of the first slant groove;

said opening position of said slant groove is located on a side of the circumferential groove opposite to said pseudo-land portion formed on another side of said circumferential groove; and

the pseudo-land portion is arranged in the circumferential groove so as to provide an end part at a larger side of the cross sectional area of the pseudo-land portion ~~close~~ closer to the ~~portion~~ axially inner wall of the first slant groove opened to than the circumferential groove axially outer wall of the first slant groove; and

the end part of the pseudo-land portion is axially separated from tread blocks forming the axially inner and outer groove walls of the first one of the slant grooves to form therebetween a circumferentially straight shaped groove portion of the circumferential groove.

Interview Record OK  
Jm 8-23-04

Amendment Under 37 C.F.R. § 1.111  
U.S. Appl. No.: 09/674,039

Attorney Docket # Q59956

### **REMARKS**

Applicant thanks the Examiner for participating in the telephone interview conducted on March 12, 2004 with Applicant's representative. In the interview, it was agreed that if the claims were amended as shown herein, they would be allowable over all of the prior art references of record.

### **Status of the Application**

Claims 2-28, 30-32 and 35-38 are all the claims pending in the Application, as claims 33 and 34 are hereby cancelled without prejudice or disclaimer. Claims 2-28 and 30-38 have been rejected. Independent claims 3, 31, 37 and 38 of this Application are amended according to the agreement reached at the interview noted above. Dependent claims 24, 35 and 36 are amended in a clarifying, non-limiting manner.

### **Rejections Under 35 U.S.C. § 112**

The Examiner has rejected claims 33 and 34 under both the first and second paragraph of 35 U.S.C. § 112. However, as claims 33 and 34 have been cancelled without prejudice or disclaimer, these rejections are now moot.

Additionally, the Examiner has rejected claims 37 and 38 as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. The informalities noted by the Examiner have been corrected. Thus, withdrawal of the rejection is respectfully requested.

### **Prior Art Rejections**

The Examiner has rejected each of the pending claims 2-28, 30-32 and 35-38 as being anticipated by, or obvious over, various cited references (or combinations thereof) including *EP*